

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ROBERT ALEXANDRE,**

**Plaintiff,**

**v.**

**No. CV 11-0384 LAM**

**MICHAEL J. ASTRUE,  
Commissioner of the Social  
Security Administration,**

**Defendant.**

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on Plaintiff's *Application to Proceed In District Court Without Prepaying Fees or Costs (Long Form)* (Doc. 5), filed on May 9, 2011, in which Plaintiff seeks to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915. "[I]n order to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action." *Lister v. Dept. of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005) (citation omitted). Section 1915(a)(1) applies to all plaintiffs seeking IFP status. *Id.*; *see also Griffin v. Zavaras*, No. 09-1165, 336 Fed. Appx. 846, 849 n.2, 2009 WL 2022952 (10th Cir. July 14, 2009) (unpublished). Neither Plaintiff's Complaint nor his IFP motion set forth any basis on which the Court may evaluate whether he has "a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action." *Lister*, 408 F.3d at 1312. The Complaint is devoid of any basis for relief and merely asks for "judicial review by this Court and the entry of a judgment for such relief as may be proper." [Doc. 3 at 2]. Therefore, the Court cannot, at this time, grant Plaintiff's motion. *See Lewis v. Center Market*, Nos. 09-2275, 09-2278, 09-2279, 09-2282,

09-2297, 09-2315, 10-2004, 10-2006, 10-2015, 378 Fed. Appx. 780, 786-88, 2010 WL 1948881 (10th Cir. May 17, 2010) (unpublished) (affirming district court's denial of IFP status because the complaint did not contain sufficient facts to state a claim to relief that is plausible on its face) (citing *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009)). Because Plaintiff has failed to present any argument or factual allegations relevant to *Lister*'s second prong, the Court need not address at this time whether Plaintiff has shown a financial inability to pay the required filing fees.

**IT IS THEREFORE ORDERED** that Plaintiff must show cause **within thirty (30) days** why his motion for IFP and his complaint should not be dismissed by either filing an amended complaint or additional briefing. The amended complaint or the additional briefing shall state a claim for relief and present Plaintiff's argument on the law and facts in support of the claims raised. If Plaintiff fails to comply within 30 days, his IFP motion and complaint may be dismissed without prejudice without further notice.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**